



# PAT DOWN SEARCHES

July 2021

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**Riverside Police Department**

# WHAT IS A PAT DOWN SEARCH?

- A pat down search is a search conducted on a person for weapons or dangerous item
- The search is generally over the clothes
- Some refer to this as a “Terry Stop”

# Terry v Ohio

- Case that laid the groundwork for pat down searches
- In 1968, Terry, along with two other subjects, were possibly getting ready to rob a location
- A plainclothes officer saw them, searched them, and found handguns on two subjects
- In an 8-1 decision, the court held that the search was reasonable
- The officer acted on more than a hunch, and a reasonable person would have believed Terry was armed and posed a threat

# TWO PRONG TEST

1. The officer must have reasonable suspicion, supported by specific articulable facts, that a crime has occurred, is occurring, or about to occur, the officer may conduct a detention.
2. If the officer believes the suspect is armed and/or dangerous, a limited pat down search may be conducted for weapons over the clothing.

# REASONS A SEARCH MIGHT NOT BE VALID

- “Standard procedure”
- “I pat down everyone that I talk to for safety reasons”
- “Anybody I stop could have a weapon”
- Officer Safety and the suspect *may* have been armed

# POTENTIALLY ARTICULABLE FACTS

- Nature of the crime under investigation
- Some sort of bulge in clothing
- Cant see beltline, waistband, or other area
- Furtive gestures / sudden movements
- Detainee physical, behavioral, or mental state
- Detainee criminal history
- Location of detention
- Refusal to comply

# IN CLOSING

- To lawfully conduct a pat down search you need reasonable suspicion
- Supported by articulable facts
- A crime is involved
- And, you have reason to believe that the suspect is armed and/or dangerous